

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD NELSON,

Defendant.

Case No.: 2:12-cr-00455-GMN-PAL

**ORDER**

Pending before the Court is Defendant Richard Nelson's ("Defendant's") Motion for Compassionate Release, (ECF No. 251), to which the Government filed a Response, (ECF No. 254). Pursuant to the Court's General Order 2020-06, the Federal Public Defender's Office reviewed Defendant's filing, but did not believe a supplement was necessary. For the reasons discussed below, the Court **DENIES** Defendant's Motion for Compassionate Release.

**I. BACKGROUND**

On May 23, 2013, the Court sentenced Defendant to seventy-eight months custody and three years of supervised release following his guilty plea to Count 1 of the Superseding Indictment: Interference with Commerce by Robbery in violation of 18 U.S.C. §§ 1951 and 2. (J, ECF No. 104); (Mins. Proceedings, ECF Nos. 102, 72). Defendant commenced his first term of supervised release on November 9, 2018.

While on supervision, Defendant has violated his conditions of supervised release on multiple occasions—warranting modifications to his supervised release conditions and revocations. (Mod. Supervised Release, ECF No. 196) (dated April 29, 2019); (J. Revocation of Supervised Release, ECF No. 216) (dated July 31, 2019). Most recently, on April 8, 2020, the Court revoked Defendant's term of supervised release based on multiple violations of his

1 release conditions. (J. Revocation of Supervised Release, ECF No. 244). The Court sentenced  
2 Defendant to a term of four months custody followed by six months of supervised release. (*Id.*).  
3 After spending two months in custody, Defendant filed the pending Motion for Compassionate  
4 Release, (ECF No. 251).

## 5 **II. LEGAL STANDARD**

6 The compassionate release provision of 18 U.S.C. § 3582(c)(1)(A), as amended by the  
7 First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (Dec. 21, 2018), authorizes the Court to  
8 modify a defendant's sentence in limited circumstances. 18 U.S.C. § 3582(c)(1)(A). Generally,  
9 to be eligible for compassionate release, a defendant must demonstrate: (1) the existence of  
10 extraordinary and compelling reasons, and (2) that he is not a danger to the community. 18  
11 U.S.C. § 3582(c)(1)(A); USSG § 1B1.13. Under United States Sentencing Guideline § 1B1.13,  
12 "extraordinary and compelling reasons" include, among other things, terminal illnesses and  
13 medical conditions "that substantially diminish[] the ability of the defendant to provide self-  
14 care within the environment of a correctional facility and from which he or she is not expected  
15 to recover." USSG § 1B1.13.

## 16 **III. DISCUSSION**

17 Defendant requests compassionate release from custody based on his history of seizures  
18 since 2016, a heart attack that occurred on April 11, 2019, and an instance of fainting on May  
19 16, 2020, at the Nevada Southern Detention Center. (Mot. Compassionate Release at 1–2, ECF  
20 No. 251). The Court does not find that these medical conditions make early release  
21 appropriate. Indeed, before the Court revoked Defendant's term of supervised release roughly  
22 two months ago, it considered the consequences of custody based on the same health issues  
23 Defendant now raises. Moreover, while these medical conditions may be concerning, they do  
24 not rise to the level of "extraordinary and compelling reasons" warranting release. *See* 18  
25 U.S.C. § 3582(c)(1)(A); USSG § 1B1.13. Lastly, Defendant does not explain how release

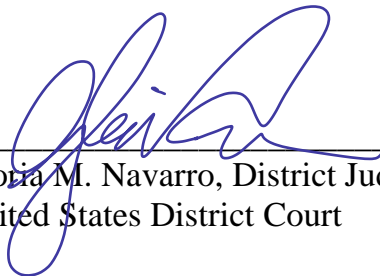
1 would benefit his purported medical conditions. The opposite instead appears true because  
2 Defendant concedes he will have no place to reside if released. (*See* Mot. Compassionate  
3 Release at 2) (stating, “I don’t have an address,” and requesting that the United States Probation  
4 Office pay for housing upon his release).

5 **IV. CONCLUSION**

6 **IT IS HEREBY ORDERED** that Defendant’s Motion for Compassionate Release,  
7 (ECF No. 251), is **DENIED**.

8 **DATED** this 1 day of July, 2020.

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Gloria M. Navarro, District Judge  
United States District Court